

Marginalizing Migrants: Illegality, Racialization and Vulnerability

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Recent decades have witnessed two contradictions in global mobility. Hypermobile flows of capital and goods cascading around the globe, facilitated by an increasingly hegemonic neoliberal economic model and an accompanying web of trade agreements, are concurrent with increasingly restricted mobility of persons – at least those emergent from the global South (Bauman 1998). The construction through law, technology, fortification and intensified policing of the ‘wall around the West’ (Andreas & Snyder 2000) has resulted in a massive production of ‘illegal aliens’ in the global North (Fassin 2011, p. 214). As the potential pathways for those seeking to escape economic deprivation or political and social persecution in the global South have been progressively barricaded, so too have such movements been progressively criminalized. The fabrication of the ‘wall around the West’ has witnessed the emergence of a substantial border control apparatus, often technologically mediated and buttressed by punitive legal developments, that is itself criminogenic and instrumental in the construction of ‘deviant’ migrant identities. Border control has also been loosened from its moorings, no longer a distinct geographical line but deterritorialized (Walters 2006) so that now it is possible to speak of ‘ubiquitous borders’ (Wilson & Weber 2008) that may be enacted before, at and after the physical borderline at a variety of switch points and by a multiplicity of agents.

The exclusion and construction of deviant migrant identities is intertwined with two other notable developments. One is the weakening of the nation-state form, and there is a significant scholarship which interprets intensifying border control and practices of exclusion in terms of ‘performances’ of sovereignty. This is an argument that suggests that under conditions of neoliberal globalization, states with diminished control of economic and social questions within their boundaries increasingly turn to border security and migration control as key ‘performances’ asserting their continued relevance and strength (Wilson and Weber 2008;

Wilson 2006). Paradoxically, as Wendy Brown has suggested, border militarization and the building of walls more accurately represents ‘the waning relevance and cohesiveness’ (2010, p. 24) of the nation-state under globalization. Linked also to the social dislocation and anxiety that attends neoliberal globalization, has been the emergence of virulent forms of what Balibar (1991) termed ‘racism without races’—hostilities directed particularly at post-colonial migrants, their supposed cultural incompatibility with the host society and their potential ties to ‘deviant’ states and nationalizing projects in their homelands (Silverstein 2005; Appadurai 2006). As anthropologist Michel Agier argues, ‘at the dawn of the twenty-first century, xenophobic and identitarian attitudes are developing more or less everywhere, and form a public pressure that tends to restrict the right of asylum and promote the building of walls and camps’ (2011, p. 34).

If the marginalization, criminalization and stigmatization of irregular migrants is fashioned at the macro-level by transformations of the nation-state, sovereignty and identity, it also propelled at another level by hostile social representations, media and political discourse (Huysmans 2006) and by the occupational cultures of security professionals (Bigo 2002). This chapter will examine how migrant ‘deviance’ is constructed at the global and local level through processes of control manifested through law and policing. Commencing at the global level, the discussion will then move to consider the constitutive role of national and local border control agents in processes of exclusion and criminalization. The chapter will then consider the individual experiences of such control, and how such intensified controls both fabricate and escalate deviance. The discussion then moves to consider the intensified incarceration and deportation of irregular migrants, and how the stigma and criminalization of the deportation experience lingers upon individual identities following their forced return to the global South.

Deviant States and Global Migration Policing

Since the attacks of September 11 authorities have increasingly redefined irregular migratory flows as a problem of security. Such a redefinition has endeavored to position mobility ‘above the realm of normal politics’ (Loader 2002: 137) where considerations of social justice are evaded and questions of ‘effectiveness’ emerge as paramount (Loader 2002). Importantly, within this securitization paradigm, irregular border crossings become fused within a ‘security continuum’ whereby the act of migration itself becomes criminalized, and where organized transnational crime and terrorist threats are seamlessly congealed with irregular migration (Huysmans 2006). A consequence of this has been the emergence of a series of highly militarized and extensive border control assemblages that extends into the global South and

intensively polices the entrance points to the North. The practices of exclusion enacted through these assemblages perform multifaceted symbolic tasks of ascribing deviant and criminalized identities to individual border crossers, projecting sovereign power and defining the boundaries of citizenship through exclusion. On a material level these border control practices are frequently brutal and sometimes fatal, and moreover can themselves have the unintended consequence of escalating and stimulating deviant enterprise and entrepreneurship.

On a global level, mobility is governed by the international visa regime, with ease of transit reflecting designations of 'risk'. The European Union provides a salient example, with a list of 'black-listed' nationalities designated as potential security risks for varying reasons including risk of illegal migration, political violence or criminality. Moreover, FRONTEX, the European Border Control Agency, produces its own 'Top Ten Nationalities' list of those assessed to pose the most risk. As such, Aas notes that is rooted in the assumption that 'untrustworthy states produce untrustworthy identities' (2013, p. 30). In addition states of the global North have increasingly acted to immobilize 'risky' migratory flows before their physical borders. The United Kingdom Border Agency (UKBA), for example, maintains an extensive Risk and Liaison Officers Network (RALON) posted in international locations, who, within their remit, aim to 'filter out high risk or undocumented individuals before they appear' (Cabinet Office 2007, p. 21). Through a web of bilateral and regional agreements, the global North also exports border control hardware, software and practices to the global South to responsabilise 'risky states' with the border work of the global North, and neutralise potentially menacing transnational flows at the (perceived) source. The construction of the anticipatory 'pre-border' also deputizes a whole new raft of actors into the service of security assemblages. Sending and transit countries, airline staff, travel agents and freight carriers, are all inducted to perform 'remote control' border policing tasks before the border (Guiraudon 2003).

As well as the construction of 'pre-borders' that aim to stem undesired migratory flows before they appear, there has also been an intensive militarization of borders, especially evident at the US-Mexico border and the Mediterranean edges of the European Union. With advanced surveillance technology, drones, military and naval patrols, razor wire, watchtowers and armed guards the border is increasingly configured as a war zone (Wilson 2015). The militarized border control of the global North pushes further out into the 'pre-border' through a range of digital and material techniques - advanced passenger processing, third country agreements, security collaborations and exports of technology and expertise. The consequences of this thickening and militarizing of the border are manifold. Both academics and activists have

drawn attention to the escalating body count along militarized border zones as border control agents mobilize their high-technology armoury to block transit routes (Weber & Pickering, 2011). The militarized border also stimulates acts of resistance that are the 'weapons of the weak' (Scott, 1985) in border wars, but in the process it also generates intensified risks and harms – what has been termed 'border iatrogenesis' (Weber & Pickering 2011, pp. 200-201). Sub-saharan migrants undertake hazardous voyages in inflatable toy boats across the Straits of Gibraltar to skirt radar detection (Wilson 2015), while others are compelled to traverse ever more treacherous routes in an effort to reach the global North.

Additionally, the militarized border, far from extinguishing cross-border threats, animates their mutation, adaptation and continual reinvention. FRONTEX joint operation HERA II planned to close off the migratory route from Africa to Europe through the Canary Islands, but in the process drastically inflated the price of passage and motivated the professionalization of smuggling activities (Vives 2009). Similarly, Harding observes that 'little by little, the routes asylum seekers once took to safety have been choked off. The formidable growth in underground 'travel agencies' – document forgers, chaperones, drivers, boatmen – is the result' (2012, p. 16). However the emergence of new forms of deviant enterprise, rather than leading to strategic policy change, energizes processes of security amplification wherein freshly materializing security risks and threats form the validation for intensified militarisation and augmented funding. Moreover, despite their brutality in terms of the escalating body count and their counter-productivity in terms of coproducing transnational deviance, militarized border strategies do little to reduce the numbers of those with irregular status inside the global North, many of whom initially entered on valid travel documents and have already established lives within the barricades. However, they too are increasingly excluded and marginalized, as the circuits of migration control have infused the inlands of the global North.

The Migration Policing Web

Jurisdictions across the global North have witnessed a significant intensification of internal immigration policing over the past three decades. A significant element of this has been the progressive criminalization of irregular migrants through the emergence of what has been termed 'crimmigration' law – the gradual merging of immigration law with the criminal law (Stumpf 2006). Outlined by numerous scholars (Stumpf 2006, Zedner 2010; Aliverti 2012), the development of 'crimmigration' law is evidenced by a proliferation of immigration offenses, the

progressive criminalization and exclusion of non-citizens and the mobilization of criminal sanctions for breaches of immigration law. For example, while 70 immigration offenses were passed in the UK from 1905 to 1996, 84 new immigration offenses were created from 1997 to 2010 in six Acts passed by the UK Government (Zedner 2013). The trend towards the proliferation of immigration offences and its infusion with the criminal law is mirrored across jurisdictions in the European Union, US, Canada and Australia.

Twinned with the development of ‘crimmigration’ law has been an escalation in ‘crimmigration’ policing and a more generalised intensification of internal migration controls within nation-states. In Europe the intensification of internal migration controls has been noted by scholars, particularly subsequent to the Schengen Agreement and the diminishment of external borders at national boundaries. In Germany every public agency must report information about irregular migrants to the foreigners’ office, which is required to commence an expulsion process (Cyrus and Vogel 2006). In 2001 the Netherlands changed its Aliens Law, subsequently allowing police to stop and detain persons to examine their residence status, which have they have been able to check since the 1990s on a national database, provided there a ‘reasonable presumption’ that they had irregular status (Leerkes, Varsanyi and Engbersen 2012). This is also evident in the US, where the devolution of immigration policing to state and local governments represents a reconfigured ‘immigration geopolitics’ that is reinforced via the twinning of two policies – the criminalization of immigration law and extended pressure by the Federal Government upon local and state police to enforce civil immigration violations (Varsanyi 2008; Coleman 2007; 2009; Stumpf 2006). Recently Weber (2013) has charted a similar trajectory in Australia, examining cooperation between state police and immigration agents.

As Coleman (2012) notes in the US case, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act outlined how non-federal agencies could directly police immigration offences. The law authorised state and local police to supplement Immigration and Naturalisation Service activities during a mass immigration emergency, and more broadly for the wholesale delegation of federal immigration powers to non-federal agencies through a new addition to the Immigration and Nationality Act – Section 287(g). While initially there was limited take up of this legislative provision it accelerated post 9/11, with approximately 70 non-federal law enforcement authorities enrolled in 287(g) in two dozen US states. This section is enforced through both ‘jail-based models’ where local police scrutinize arrestees for immigration status, and “roving” models where immigration documents are requested in the

course of routine police patrols, and, importantly, not in relation to any specific criminal charge. Such measures have been supplemented by an offshoot program of 287(g) called Secure Communities which facilitates immigration checks at the local level while not mandate that those detained be turned over to federal custody at the end of the process.

The particular configuration such in-country immigration policing assumes is variable across nation-states. In the United Kingdom, operating under a variety of monikers, specific 'Enforcement Teams' dealing exclusively with the detection of immigration offenders perform a similar task, although often in cooperation with specific police forces. The intensity of immigration policing enforcement is also variable across the United States, with the most intensive activity evident in the Southern and South Western States (Coleman 2012). At the spearhead of this, as revealed in the research of Provine and Sanchez (2011) is the state of Arizona, which has enacted its own state legislation (SB 1070) to enhance police stop and search powers. Moreover, the wealth of recent research into the intensification of internal immigration policing reveals how such practices are deeply racialized. US research indeed reveals how such tactics particularly target those identified as 'Mexican' – reflecting a longer historical conflation of the category 'Mexican' with that of illegal (De Genova 2005).

While there has been an intensification of direct policing activity enacted through various policing agencies, there has also been an evident movement towards deputizing a wide range of agencies into the work of immigration policing. This is largely predicated on a drive to exclude 'illegal' migrants from access to public and social services, and is conjoined with a political and media discourse that projects images of undocumented migrants as leeching social services and economies. This is a trend evident across the global North. Studies in numerous jurisdictions indicate that immigration policing is enacted through assemblages of agencies. This is particularly the case in the UK where a variety of agencies are involved in immigration policing partnerships that aim to identify, immobilize and eject those designated as irregular. As van der Luen (2003) charts in the Netherlands, the Linking Act, passed in 1998, rendered access to a range of public and semi-public provisions including social benefits, health care, housing and education, conditional upon residency status. Despite the Act's intensely exclusionary potential, van der Luen's study noted that in different agencies there were 'tendencies of severe exclusion as well as tendencies to soften the impacts of the law' and that the official policy objective of systematic exclusion of irregular immigrants was 'mitigated by professional, humanitarian and ethical standards' (2003, p. 152). Importantly this suggests that attempts to responsibilize other

agencies into the work of exclusion and expulsion may be softened by organizational cultures that do not share the values of populist politicians or security professionals.

Nevertheless, there is a powerful drive to draw a range of government agencies into the work of migration control, a phenomenon illustrated in recent efforts in the United Kingdom to detect 'illegal' workers. New measures to address illegal working were introduced in February 2008, which included a civil penalty regime for those employing workers illegally, along with a new offence of knowingly employing an illegal worker. Since that time, workplace enforcement has been underpinned by the language of 'partnership'. One example of such 'partnership' working was The Joint Workplace Enforcement Pilot (JWEP), conducted in the West Midlands, and connecting UKBA officers with Her Majesty's Revenue and Customs, the Department of Work and Pensions, the Gangmasters Licensing Authority, the Health and Safety Executive and the Enterprise and Regulatory Reform's Employment Agency Standards Inspectorate. The *Enforcing the Deal* strategy claimed that this resulted in shared intelligence regarding 245 employers and 372 visits to business premises (UKBA 2008, p. 7). The emphasis upon workplace enforcement is buttressed by harsh civil penalties regime, introduced in 2008, which imposes fines of up to £10 000 per undocumented worker for businesses, accompanied by a 'name and shame' campaign which published details of offending employers on the UKBA website.

As the example of workplace immigration enforcement in the United Kingdom evidences, an ever greater range of agencies is being deputized into the work of immigration policing, which envisages migration control as a fine mesh linking agencies together in a common purpose. Thus a range of institutions including the National Health Service, local governments, universities and schools have been drawn in through a range of legal and administrative mechanisms to participate in immigration policing and report those suspected of irregular status. In the United Kingdom attempts to responsibilize other elements of the state with the work of immigration policing have extended down to the individual level. In October 2011 Prime Minister David Cameron called upon the public to 'shop an illegal immigrant' through an arrangement with the Crimestoppers phone number or via the UKBA website. The mobilization of the public was evident in Cameron's claim that 'together we will reclaim our borders and send illegal immigrants home' (Webber 2012, p. 161). One movement in this direction has been the establishment in the United Kingdom of the National Allegations Database, designed to facilitate the systematic counting of allegations from the public and following them through to outcome (Home Affairs Committee 2012 HC 603, p. 47). The same

efforts at responsabilizing individual citizens into the work of immigration control have been evident in Australia, where a 'Dob-In Service' was established in 2004 allowing individuals to report instances where they suspected 'illegals' to be working or just present in Australia. Tellingly, the press release from the Australian Immigration Minister at the time promoted this hotline by claiming illegal workers 'take employment opportunities away from Australians' and she urged the public to aid in 'tracking people down' (Weber 2013, p. 135).

Efforts to trace and make irregular migrants legible to the state are closely linked to the development of electronic databases. This is connected to the overall intensification of internal border controls. Surveillance of key groups is linked to attempts exclude them from key government services, discourage their residency within nation-states and ultimately to facilitate their expulsion from national territories. Consequently it is perhaps unremarkable that biometric identification systems have initially been deployed on asylum seeker populations, where they serve as technological signifiers of the securitisation of migration. Biometric identification systems involving fingerprinting those seeking asylum have become increasingly common and are in use in the UK, Netherlands and Australia (Wilson 2006). Databases established in the interests of security, have focused squarely on those with irregular status. In Europe the Schengen Information System (II), the Eurodac database and Visa Information System are vast systems often including biometric data to regulate migratory flows and identify and sort legal from illegal migrants (Broeders 2007; Aas 2011). Security logics have also motivated a ceaseless quest for system interoperability and the prising open of databases to ever more agencies. Following the Madrid bombings in March 2004 the EU Declaration on Combatting Terrorism suggested the European Commission 'explore the creation of synergies between existing and future information systems (SIS II, VIS and Eurodac) in order to exploit there added value ... in the prevention of and fight against terrorism' (cited in Baldaccini 2008, p. 45).

To be captured fixes a deviant 'non-citizen' identity on those seeking asylum or who have irregular status. Consequently some who have entered the EU boundaries mutilate their fingerprints with burning hobs, razors, glue or acid to avoid biometric capture and the bleak prospect of expulsion (Jones 2014, p. 5). Nor, despite the fact that these digital profiling practices are 'concealed in the glossy techno-science of algorithmic calculation' (Amoore 2009, p. 49) are such databases immune from the racialised stigmatization so frequently evident in physical policing. The digital ascription of risk may be presented as an abstracted and scientific

calculation that dispassionately sorts friend from foe and the safe from the dangerous. Nevertheless, as Bigo argues, the aura of technological neutrality makes the designation of specific identities as ‘high risk’ appear ‘reasonable and not subject to classic racism’ as it relies upon ‘an anticipation process in which the computer has no soul and, therefore, does not have the human defect of classifying persons according to skin colour’ (2007, p. 30). However critical scholarship, particularly that focusing upon biometric technology, indicates that, the aura of high-technological abstraction and neutrality notwithstanding, digital databases assembled to trace non-citizens are steeped in historic codes of racism, colonialism and criminalization (Wilson 2007; Pugliese 2010). The scientific calculation of security threats is then informed by more ‘instinctive’ stereotypes garnered from the global North’s historical gallery of suspect and mobile populations (for a discussion see Weber & Bowling 2008). Consequently the colonial dispossessed and the internally marginalised of the past are digitally reconstructed in the present as deviant identities within the body politic to be immobilized and expelled. Moreover, such criminalization has in some jurisdictions stretched even further, where not being legible to the state through the possession of satisfactory identification documents becomes a criminal act in itself (Aas 2013).

The escalation of internal immigration policing represents a ‘shift in the spatiality of power’ (Walters 2006) of the border from a Foucauldian notion of ‘disciplinary societies’, whereby governance is situated in particular sites and technologies, to a Deleuzian ‘society of control’ (1992) where decentralized networks form a multitude of gateways through which immigration status becomes a principal category of inclusion or exclusion and through which Goffman famous termed ‘spoiled identities’ are constructed. Increasingly, immigration policing occurs not in a single act of expulsion or exclusion from or at the physical border, but through a multitude of encounters embedded within public and private agencies that are dispersed *within* the nation-states. As Bigo argues (2002) the intensification of these exclusionary circuits is propelled through a network of security professionals, the ‘managers of unease’, who are instrumental in the expansion of these networks, but who also often elide questions of social justice and human rights via a discourse of technical efficiency.

The contribution of political and media discourse in the mobilization of these exclusionary and stigmatizing processes should also be taken into account. Indeed, as Wacquant (2009) suggests, the criminalization of immigrants has been:

powerfully reinforced and amplified by the media and by politicians of all stripes, eager to surf the xenophobic wave that has been sweeping across Europe since the neoliberal turn of the 1980s by making an amalgam—sincerely or cynically, directly or indirectly, but with ever more banality—of immigration, illegality and criminality (2009, p. 98).

The honing of policing and governmental attention and suspicion on those perceived to carry the stigma of illegality forms what Jock Young (1971) famously termed a ‘deviancy amplification spiral’, wherein through a combination of exclusion, marginalization and criminalization ‘irregular’ migrants are forced further into the social and economic shadowlands and simultaneously accumulate heightened visibility in the eyes of enforcement authorities.

Everyday Illegality

The web of surveillance and policing that engulfs irregular migrants forms as Weber suggests in the Australian context, ‘a border drawn around unlawful non-citizens themselves, intended to separate them from all that is necessary to sustain a reasonable life’ (2013, p. 143). Increasingly then, as already outlined, the border materializes through a dispersed array of technologically-mediated and physical switch points dispersed within the routines of daily life. This section examines how the construction of ‘illegality’ is manifest throughout the interior of nation states but more specifically how it is experienced by those who are its targets. The previous section outlined how a complex web of agencies, both state and private, are engaged in forms of immigration policing that construct migrant identities as deviant. As journalist Jeremy Harding noted of US border policing in Arizona:

the pursuit of aliens is no longer confined to a costly cat and mouse game along the frontier. It is a grim paper chase that takes place in traffic queues and metered parking zones in Phoenix, the kitchens of fast food restaurants, mechanics workshops and building sites miles from the fence (2012: 97).

The implications of this are that migrant ‘illegality’ and deviance can materialize throughout the circuits of daily life. Social centres, schools, food banks, welfare offices and police stations all become potential sites where the border can materialize at any moment. Moreover everyday actions, such as working, driving, attending schools or seeking health care can rapidly be transformed into criminal and illicit actions with dire consequences.

As numerous studies have indicated, the lived experiences of irregular migrants are not uniform, but are rather contingent upon the strength of legitimate migrant social networks

patterned upon nationality and ethnicity, additionally mediated by age and gender (Engbersen, van San & Leerkes 2006; Bloch 2013; Sigona 2012). Nevertheless, there are commonalities evident across areas of work, housing, health care and social interaction that evidence the vulnerability and precariousness of irregular status. This is starkly apparent in terms of employment. The lack of authorisation to seek employment makes working itself a criminal activity, and has been argued to be in effect the state sanctioning exploitative working conditions. The testimonies of irregular migrants certainly bear this out. Not infrequently employers take advantage of irregular status to impose pay low wages and extract longer working hours. As one Kurdish man from Turkey residing in the UK recounted to Bloch:

It's a form of slavery. They exploit us. If I was able to work legally I could go and say I work such hours and demand such amount. But as they know they we need the work and they know the conditions they exploit us (2013, p. 8)

The employment opportunities of irregular migrants are in general confined to the lowest reaches of the labour market. As Khosravi succinctly suggests, in the Swedish case 'if you lack "papers" you are placed at the bottom' (2010, p. 100). Working in often dirty and dangerous occupations, irregular workers are vulnerable not only to exploitation through low wages or in, some cases, no wages at all, but also to significant health and safety risks. Burnett and Whyte (2010) revealed that irregular workers experienced a disproportionality high level of workplace accidents and were frequently exposed to health and safety risks, something against which they felt powerless to complain due to their undocumented status.

Workplace raids by immigration authorities, employer sanctions written into law and the constant threat of deportation serve to deepen racialised faultlines in the labour market and exacerbate the vulnerability of the most marginalised. Webber (2012) has charted the shifting sands of labour migration policy, which has progressively witnessed the withdrawal of rights and the increasingly bulimic tendency to ingest and expel migrant labour at will. In some senses the deepening grid of legislative control and policing tactics that attacks the lower rungs of the labour market appears to betoken the deep contradictions of globalized mobility, whereby capital circulates unimpeded while labour – particularly that moving from the global South – is subject to tightening webs of control. Nevertheless the apparently paradoxical binary between mobile capital/immobile labour is in actuality more complex and politically expedient.

A number of critical scholars indeed argue that capital accumulation is in fact *the* rationale for border control mechanisms that cannot feasibly block all mobility, but which suspend certain

flows within grey zones of vulnerability and stigmatization (De Genova 2002; Samers 2003; De Giorgio 2010). It is an argument that has some substance. Intensifying border control has fuelled an explosion of undocumented immigrants in the global North, while hostile social representations persistently portray these social groups as undermining 'native' working conditions. The British Government provides one example, having persistently reiterated the idea that undocumented migrant workers undermine 'the terms of and working conditions of British workers' (Home Office 2007, p. 2). Thus immigration controls, which themselves produce illegality, supply a docile labour force while the vulnerability of the undocumented echoes through the lower rungs of the employment hierarchy creating a more generalized sense of precariousness. As Anderson notes the interests of capital accumulation, 'gain from cheap migrant workers and from labour being divided as a political force' (2012, p. 148).

Exposure to potential exploitation also extends into the housing market, with numerous studies indicating that irregular migrants frequently pay above market rents, and often in substandard accommodation (Calavita 2005; Sigona & Hughes 2012). With social services generally, including health, irregular migrants may be reluctant to seek assistance as the capillaries of migration control, and potential detection and deportation, infuse a greater array of public and private agencies. Such avoidance of state authorities is evident in Castañeda's research in Germany, where pregnant women with irregular status preferred to conceal their visibility from the state, rather than apply for a *Duldung* (a permit that suspends deportation) which would qualify them for prenatal care and delivery (2010, p. 255). The desire to reduce visibility, and to render oneself invisible to the state and its border control apparatus, significantly impacts on social interactions and the pathways of daily life. Daily mobility may indeed be shaped by irregular status, avoiding public parks, checkpoints and other public spaces where irregular status may be detected (Coutin 2005). The testimony of those with irregular status suggests daily itineraries that are often clouded with the fear and anxiety of detection (Sigona 2012). The threat of the detection, or of being reported to authorities, can also attenuate potential social bonds, with some choosing to engage in only superficial interactions within the society they have entered.

Limited access to civil, social and political rights and the unrelenting peril of deportation creates a 'grey area of vulnerability' – constricting the socioeconomic chances of migrant workers by positioning them in the most precarious sectors of the economy, and driving them into the recesses of the illegal economy (De Giorgio 2010). Studies in the Netherlands indicate that the severing of access to social services and the labour market for irregular migrants

produced a spike in criminal activity, much of it subsistence crime. Increases in the use of forged documents, petty theft, drug dealing and prostitution can thus constitute survival techniques within an underground criminal economy where invisibility can be maintained (Leerkes, Engbersen & van der Leun 2012; Broeders & Engbersen 2007). This constitutes—to extend Marx’s (1981) concept of the ‘ironies of social control’—the ironies of migration control, as enforcement measures coproduce the very deviant phenomenon they are supposedly combatting. Moreover this process all too easily mutates into a self-fulfilling prophecy, whereby racialised notions of criminality propounded in media and political discourse feed upon putative empirical facts, as ever greater numbers of foreign nationals are herded through prison gates.

Detention and Deportation

Accompanying the intensified surveillance of irregular migrants within nation-states, there has also been an explosion of detention of those detected, usually for the purpose of pending deportation. Since the 1990s, the detention of asylum seekers and other migrants has escalated and is now extensive across Europe (Bloch and Schuster 2005). The acceleration of immigration detention has been noted by a number of authors. For example Welch and Schuster (2005) suggest that immigration detention has exploded in a post September 11, and is based upon the political manipulation of images of asylum seekers and irregular migrants. Drawing upon David Garland’s (2001) notion of a *criminology of the other*, they suggest that harsh criminal justice measures aimed at immobilizing those designated as dangerous are rationalized amidst a climate of fear in which, as they suggest, ‘fear of crime is almost indistinguishable from a fear of strangers’ (2005, p. 348). There is thus an explosion of immigration detention both in specific facilities, but also via criminalization in various prison estates. Within these, irregular migrants are trapped within ‘non-spaces’ that while within national boundaries, are spaces of exception where the rights of citizenship and legal protection are suspended. The statelessness and absence of political and legal rights of deportation regimes has thus drawn many scholars to the work of Giorgio Agamben (1998), whose concept of *bare life* – an existence stripped of social bonds and political inclusion and belonging (De Genova 2010).

While it is evident that a substantial detention infrastructure, often administered by private contractors, has materialized across the global North, our knowledge of the lived experience of

immigration detention remains fragmentary. What is clear, nevertheless, is that it is predominately couched in the language of *administrative* rather punitive incarceration. As such, some scholars have linked the expansion of immigration detention to broader shifts in penality that, while disputed have moved from a goal of rehabilitation towards that of incapacitation as the goal of imprisonment (Leerkes & Broeders 2010). Thus, with an evident affinity to contemporary prison systems which make little effort to reform socially deviant individuals, both prisons and immigration detention are targeted primarily at removing those designated dangerous from the body politic and ‘warehousing’ – and in the case of immigration detention ultimately expelling them from the boundaries of the nation-state. The detention experience itself is mediated by the intersections of race, gender, class and sexuality (Hernández 2008). While accounts of the lived experience of detention remain scant, research conducted by Bosworth (2013) suggests that immigration detention is experienced as punishment and detention centres are frequently equated with prisons by those incarcerated. In her research Bosworth suggests that it was the statement ‘I feel like I am in prison’ which reverberated as a ‘constant refrain’ during her research (2013, p. 155). Moreover, Custody Officers frequently compared themselves to prison officers, even if perceiving key differences in their tasks, a point revealed in other studies (Hall 2012).

Immigration Detention in a variety of ‘non-places’ is only one element of proliferating deportation regimes (De Genova and Peutz 2010). This carceral complex (in the region of one hundred centres in Europe) detains without offence, and forms a matrix of ‘waiting zones’. And unlike the modernist prison which sought to discipline, the purpose of immigration detention is not primarily disciplinary but simply incapacitation and expulsion. Nevertheless, as already mentioned, the lived experience may very much be that of punishment. Moreover, the Immigration Detention complex operates parallel to a wider racialization of imprisonment, fuelled by the gravitation of policing activity towards those whose immigration status may be disputed (often on racial grounds), and where minor legal violations can result in incarceration and deportation. As Wacquant (2009) notes, the process of identifying and immobilizing those whose phenotype indicates ‘foreignness’ creates a ripple effect whereby the exclusionary dragnet targeted at ‘illegal’ migrants echoes outward, extending the vulnerability and anxiety of deportability throughout migrant communities. Indeed, there has been an expansion of foreign national prisoners in the prison estate, who, even though they may not have been convicted of serious offences, nevertheless find themselves liable to deportation at the end of their sentence (Bosworth 2011).

Governments across the global North have become forcefully determined to ‘tighten up’ deportation and repatriation policies, often with the aim of preserving the ‘integrity’ of their asylum and immigration systems. In particular, there is a strong desire on the part of particular states not to be perceived as a ‘soft touch’ through failing to remove ‘illegal’ migrants (Walters 2010, p. 87). Accounts from those deported reveal that the experience is often one of humiliation, degradation and violence. In Coutin’s (2010) retelling of the experience King—deported from the US to El Salvador—shackles, lack of water and extremes of heat and cold formed a debasing experience with the shackles in particular being vivid markers of illegality and criminality. The physical violence and use of excessive force in deportation proceedings has come to public attention in through some notorious cases, such as the case of Jimmy Mubenga, an Angolan man who had lived twenty years in the United Kingdom and was asphyxiated on a British Airways flight in October 2010, with an inquest returning a verdict of ‘unlawful killing’ against the staff of the private security firm with the government contract to carry out deportations (Webber 2012). The documentation of humiliation, degradation, violence and death as a result of deportations is alarmingly frequent across Europe (Fekete 2005).

Violence and death may also occur post-deportation, as those designated either as ‘failed’ asylum seekers, ‘illegals’ or foreign criminals are deported, either directly or through third countries (a process known as ‘chain deportation’) to nation-states known for their poor human rights standards and for practices of illegal detention and torture (Fekete 2005). The growing scholarship that examines the post-deportation experience also reveals generalized experiences of stigma, marginalization and isolation for deportees, many of whom have lived for much of their lives outside their country of birth. Brotherton and Barrios’s (2009) interviews with Dominican deportees from the US, revealed the stigmatisation and criminalization of returnees, in this instance fuelled by a media campaign in the local press which equated deportation with criminality. Other research in this area also reveals wider circuits of social marginalization upon return (Golash-Boza 2014; Coutin 2010). In her fieldwork with deportees to Somaliland, Peutz (2010) notes that they were met upon arrival with the suspicion of carrying HIV/AIDS or being drug addicts. Moreover lacking clan ties and local connections they were unable to take advantage of the potential social capital that their knowledge of English and computer skills may have granted them. The post-deportation experience then is for some potentially fatal. For others, even the physical and linguistic markers—tattoos, clothing, accent—

that signal their time in the global North, come to constitute deviant and stigmatised identities upon return.

The criminalization, marginalization and stigmatization of irregular migrants is largely produced by the expanding control apparatus – both legal, technological and physical – dedicated to their detection and removal. Although their experience cannot be assumed to be homogenous, the control efforts themselves often escalate migrant deviance, as those with irregular status are forced into the recesses of underground economies, and more often than not their means of survival or mere presence is criminalized. The circuits of exclusion visited upon irregular migrants are also intensely racialized, drawing colonial patterns of oppression into the post-colonial present. For irregular migrants also, the ever present potential of having ‘illegality’ unmasked or assigned, combined with spectacles of enforcement and deportation, fashions wider experiences of ‘deportability’ (De Genova 2002), where the anxiety of potential deportation curtails and shapes everyday experiences. Harsh enforcement measures also function as sovereign performances for nation-states, testifying to their capacity to define and police the lines between ‘insiders’ and ‘outsiders’ and by extension the boundaries of belonging and citizenship. This is not to say that irregular migrants are without agency. There are a multitude of acts of individual resistance to the dispersed forces of border control, and there are numerous examples of collective organization where irregular migrants assert their ‘right to have rights’ (Arendt 1951) and access to forms of citizenship (Nyers 2003; 2008). Nevertheless, confronted with increasingly punitive legal and policy frameworks, political populism, hostile media discourses, xenophobic nationalisms, and dispersed and expanding networks of border control—which all converge to both construct and normalize ‘deviant’ migrant identities—such struggles remain decidedly asymmetrical.

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